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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,761	08/31/2001	Kevin McCarthy	367.40544X00	4282
22907 7590 01/16/2007 BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			EXAMINER TRAN, TAM D	
			ART UNIT	PAPER NUMBER
			2628	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/942,761	Applicant(s) MCCARTHY ET AL.	
	Examiner Tam D. Tran	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 33-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, and 33-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11, and 33-45, are rejected under 35 U.S.C. 102(e) as being anticipated by Heinonen et. al. (USPN 6816719 B1).

1. In regard to claims 1, 33, and 40, Heinonen teaches a method of handling operating characteristics of a profile in a communication terminal (network), said communication terminal has a number of user selectable profiles each including a group of user adjustable operating characteristics (profile information is sent to a network from a wireless terminal of a user), see col.4 lines 38-62, comprising reception of a message including a group of user adjustable operating characteristics from a remote terminal transmitted via a communication channel (profile information is sent to a network from a wireless terminal of a user), see col.4 lines 38-62 and saving said group of user adjustable operating characteristics as a profile in said communication terminal (once received by the network, the profile information may be used to update the store user data), see col.4 lines 38-62.

2. In regard to claim 40, Heinonen teaches a method of handling operating characteristics of a profile in a communication terminal (network), said communication terminal has a number of user selectable profiles each including a group of user adjustable operating characteristics, comprising: bundling means to generate a message including a group of user adjustable operating characteristics (operational mode can be set by the users to control setting of the mobile device or denote a status of user), see col.1 lines 20-25, transmitting means to transfer said message to the communication terminal via a communication channel, (profile information is sent to a network from a wireless terminal of a user), see col.4 lines 38-62 where the communication terminal is able to save said group of user adjustable operating characteristics individually in each selectable group in said communication terminal (once received by the network, the profile information may be used to update the store user data), see col.4 lines 38-62.
3. In regard to claims 2, 34, 43, Heinonen teaches a method of handling operating characteristics of a profile in a communication terminal, wherein said message includes a ringing tone and at least one graphical picture for being stored in a profile selected by the user. See col.1 lines 34-40.
4. In regard to claims 3, 35, Heinonen teaches a method of handling operating characteristics of a profile in a communication terminal wherein said at least one graphical picture is displayed in the display of said communication terminal in dependence of the operation thereof when the user has selected said profile for the communication terminal (virtual white board). See col.4 lines 63-67.
5. In regard to claims 5, 37, 45, Heinonen teaches a method of handling operating characteristics of a profile in a communication terminal, Wherein the message including

bookmark information defining the location of a server document to be processed by the communication terminal, for being stored in a profile selected by the user (identification information to identify user), see col.4 lines 47-50.

6. In regard to claims 6, 38, 41, Heinonen teaches a method of handling operating characteristics of a profile in a communication terminal, wherein said remote terminal is a server, providing promotional content. It is inherent that websites usually have promotional content.

7. In regard to claims 7, 39, 42, Heinonen teaches a method of handling operating characteristics of a profile in a communication terminal, wherein said remote terminal is a server, providing event driven content (meeting content). See col.9 lines 15-26.

8. In regard to claim 8, Heinonen teaches a method of handling operating characteristics of a profile in a communication terminal, wherein the communication terminal allows the user to discard from a received profile message after inspection of items included in the profile message, see col.8 lines 60-67.

9. In regard to claim 11, Heinonen teaches a method of handling operating characteristics of a profile in a communication terminal, wherein said message furthermore includes a name label for the profile, see col.8 lines 60-67.

10. In regard to claims 4, 36, 44, Heinonen teaches a method of handling operating characteristics of a profile in a communication terminal, wherein a message include contact information (identification information), see col.8 lines 47-52.

11. In regard to claim 9, Heinonen teaches a method of handling operating characteristics of a profile in a communication terminal, wherein at least one graphical picture includes a plurality

Art Unit: 2628

of individual pictures and said pictures are displayed successively in order to create an animation.

12. In regard to claim 10, Heinonen teaches a method of handling operating characteristics of a profile in a communication terminal, wherein said animation is acting as a screen saver when the user has selected said profile for the communication terminal. It is inherence that an animation can be used as a screen saver.

Conclusion

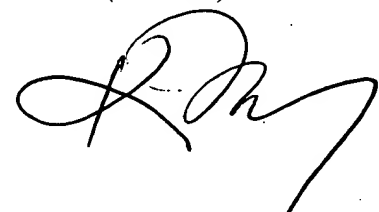
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tam D. Tran** whose telephone number is **571-272-7793**. The examiner can normally be reached on MON-FRI from 8:30 – 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kee M. Tung** can be reached on **571-272-7794**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tam Tran

TT



KEE M. TUNG
SUPERVISORY PATENT EXAMINER